

# MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

AUGUST 12, 1999

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**Those in attendance were:**

Wayne Davis, Chair	Roger Kanable
LeRoy Pieper, Member	Al Laukaitis
Robert Hahn, Member	Sadie Nicholson
Don Roberts, Member	Richard Clements
Wayne Madsen, Member	Bob Wolf
Jim Van Marter, Member	Paul Zillig
Richard Mercer, Member	Steve Oltmans
Frank Bartak, Member	Dayle Williamson, Director
Roy Stewart, Member	Jim Cook, Staff
Vince Kramper, Member	Tom Pesek, Staff
Richard Jiskra, Member	Steve Gaul, Staff
Roger Korell, Member	Gayle Starr, Staff
Joe Hergott, Member	A number of individuals from the Elmwood area

## CALL TO ORDER

Commission Chair Wayne Davis called the meeting to order at 10:00 a.m. in the meeting room of the Lower Platte South NRD office in Lincoln, Nebraska.

## NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on August 4, 1999, notifying the public of the meeting.

## INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

1. Nebraska Resources Development Fund Present Financial Status.
2. Status of Small Watersheds Flood Control Fund.
3. Soil and Water Conservation Fund Report.
4. Nebraska Soil and Water Conservation Fund – Republican Basin Water Meter Program Summary.
5. Water Well Decommissioning Fund Allocations (FY 1999-2000).
6. Natural Resources Enhancement Fund Receipts.
7. Weekly Schedule of Interim Committee Hearings – Natural Resources Committee.
8. Natural Resources Conservation Service Report.

## MINUTES

Motion was made by Kramper and seconded by Pieper to approve the minutes of the June 17, 1999 Commission meeting as distributed. Motion carried.

Aye: Mercer, Pieper, Bartak, Kramper, Korell, Madsen, Van Marter, Roberts, Hahn, Hergott, Jiskra, Davis

Nay: None

Present, Not Voting: Stewart

Not Present: Donaldson, Larson, Watermeier

## EXPENDITURES

Motion was made by Jiskra and seconded by Van Marter to approve the expenditure report for June, 1999 as distributed. Motion carried.

Aye: Mercer, Pieper, Bartak, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Jiskra, Davis

Nay: None

Not Present: Donaldson, Larson, Watermeier

## ADVISOR'S COMMENTS

Roger Kanable, representing the Natural Resources Conservation Service, distributed a report and Briefly commented on the EQIP program and staffing changes and responded to a few questions.

## DIRECTOR'S REPORT

Dayle Williamson reported that Brian Dunnigan who had resigned in May to take other employment had returned to Commission employment as of August 1. He added that the vacancy in the Data Bank section has been difficult to fill because of lack of good applicants. Williamson also commented briefly on the USDA administrative convergence program involving NRCS, FSA and Rural Development.

## ENVIRONMENTAL TRUST

Richard Mercer noted that the Environmental Trust Board would be meeting next Monday at Calamus Reservoir for their annual retreat to discuss various aspects of their program and changes that they might want to consider. Vince Kramper added that applications for the next funding cycle are due in September and they expect a large number of applications.

Williamson distributed a very short item from the current NEWSWEEK magazine that indicated that Congressman Bereuter and another Congressman have introduced legislation entitled "Two Floods and You're Out of the Taxpayer's Pocket Act". He explained that he had not seen the Act but believes it is an attempt to eliminate repetitive losses under the National Flood Insurance Program. Motion was made by Bartak and seconded by Van Marter to support the concept of not being able to collect multiple times under the National Flood Insurance Program for damage to the same

property. Motion carried.

Aye: Pieper, Bartak, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Jiskra, Mercer, Davis

Nay: None

Not Present: Larson, Watermeier, Donaldson

#### PLATTE AND REPUBLICAN RIVER ACTIVITIES

Dayle Williamson reported that he and Jim Cook had been interviewing candidates for the position authorized by the Legislature to hire a person, probably to be located in Kearney to work with local people regarding the Platte River Cooperative Agreement. He noted that the Governance Committee would be meeting next week in Cheyenne and he and Jim would be attending.

Jim Cook explained that Roger Patterson and Ann Bleed of the Department of Water Resources are negotiating on a regular basis with Wyoming officials in an attempt to resolve the remaining issues in the Nebraska versus Wyoming lawsuit. Cook added that the Attorney General had filed a request with the Supreme Court to determine that the Kansas-Nebraska lawsuit on the Republican River Compact should not consider groundwater.

#### COMPREHENSIVE PLANNING COMMITTEE

Don Roberts reported that Steve Gaul had made a presentation to the committee on the Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process. Motion was made by Roberts and seconded by Kramper to approve the form and content of the Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process as presented. Motion carried.

Aye: Bartak, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Jiskra, Mercer,

Pieper, Davis

Nay: None

Not Present: Larson, Watermeier, Donaldson

Roberts added that Mahendra Bansal had briefed the committee on a number of Data Bank activities including population estimates and the availability of DEM and DOQ coverage's through the Commission's web site.

#### LEGISLATIVE AND BUDGET COMMITTEE

Jim Cook distributed a Legislative Committee Hearing schedule on Interim Resolutions to the Commission and noted that he and other staff would be attending some of them.

#### PROGRAM COMMITTEE

LeRoy Pieper called on Tom Pesek who briefed the Commission on the performance of several Resources

Development Fund Flood Control Projects in northeast Nebraska during the recent heavy rains.

Dayle Williamson distributed his recommendation on the Weeping Water Creek Site 7g Amended Resources Fund application and briefly reviewed it. Paul Zillig, representing the Lower Platte South NRD, briefed the Commission on the project and responded to questions.

Sadie Nicholson distributed some information and discussed the various reasons for the opposition of herself and others in the Elmwood area to the Site 7g Recreation Project. Richard Clemens of Elmwood also reviewed several aspects of the project and stated his opposition to the project.

Williamson noted that there is a remaining question regarding whether or not the MoPac trail involving the 7g site was railbanked and he will be requesting a legal opinion from the Attorney General on that issue. As a result, it will probably be necessary to delay Commission action on the Director's recommendation on Site 7g to the October Commission meeting but that action on the Stevens Creek recommendation will be on the agenda for the September Commission meeting.

Dayle Williamson distributed his recommendation on the Stevens Creek Watershed Resources Development Fund application and then reviewed the basis of his recommendation. Paul Zillig reviewed the Stevens Creek Project and responded to questions.

LeRoy Pieper noted that status reports on the Small Watersheds Flood Control Fund, Soil and Water Conservation Fund, Republican Water Meter Program, Natural Resources Enhancement Fund and Water Well Decommissioning Fund had been reviewed at the committee meeting and copies of the reports were available to Commission members. Pieper noted that a hearing had been held on some amendments to the Soil and Water Conservation Fund Rules and Regulations and the committee was recommending approval of those amendments. Motion was made by Pieper and seconded by Jiskra to adopt the Soil and Water Conservation Fund Rule and Regulation Amendments as proposed. Motion carried.

Aye: Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Jiskra, Pieper, Bartak, Davis

Nay: None

Not Present: Mercer, Donaldson, Larson, Watermeier

Steve Oltmans, Manager of the Papio-Missouri River Natural Resources District, made a presentation on the recent heavy rains and flooding in the Omaha area. He noted that the various flood control projects of the district had performed as designed but there was some repair work that would need to be done. He added that the urbanization taking place in the Omaha Metropolitan area is outpacing the capability of existing flood control works to handle major floods.

#### NEXT MEETING

The next meeting of the Commission will be September 28, immediately following the NARD conference at the Quality Inn in North Platte.

#### ADJOURNMENT

The meeting was adjourned at approximately 12:15 p.m.